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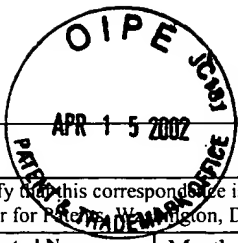
PTO/SB/21 (08-00)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/695,531	
		Filing Date	October 23, 2000	
		First Named Inventor	YAMASHITA, THOMAS T.	
		Group Art Unit	3643	
		Examiner Name	GELLNER, JEFFREY L.	
Total Number of Pages in This Submission		12	Attorney Docket Number	YAMA-008
<b>ENCLOSURES (check all that apply)</b>				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  - Declaration Under 37 C.F.R. 1.132 for Thomas Yamashita  - Postcard
		Remarks		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>				
Firm or Individual Name	BRET E. FIELD, Reg. No. 37.620			
Signature				
Date	April 4, 2002			

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<b>REPLY UNDER 37 C.F.R. §1.111</b>  Address to: Commissioner for Patents Washington, D.C. 20231	Attorney Docket	YAMA-008
	First Named Inventor	Thomas T. Yamashita
	Application Number	09/695,531
	Filing Date	October 23, 2000
	Group Art Unit	3643
	Examiner Name	Gellner, Jeffrey L.
	Title	<i>Microbial Blend Compositions And Methods For Their Use</i>

Sir:

This amendment is responsive to the Office Action dated January 31, 2002 for which a three-month period for response was given making this response due on or before April 31, 2001. In view of the remarks put forth below, reconsideration and allowance are respectfully requested.

#### REMARKS

Claims 1-20 are pending in this application.

Claims 1-20 have been examined and have been rejected.

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-20, the only claims pending in this application.

#### REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected claims 1-8, 10-13, 14 and 17-19 under 35 U.S.C. §102(b) as being anticipated by Reinbergen (WO 97/31879). The Applicant respectfully submits that the above cited reference does not anticipate claims 1-8, 10-13, 14 and 17-19.

Under current case law, a reference does not anticipate a claim unless "all of the elements and limitations of the claim are found within [that]...reference....There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of invention." Scripps Clinic v. Genentech, Inc., 18 USPQ2d 1671, 1672 (Fed. Cir. 1992).

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